

amended, a motion was made to raise a committee to wait upon absent members and receive their votes, which was decided out of order by the Speaker.

Mr. Neal then called for the reading of the bill as amended.

The question was then put: "will the House order the reading of the bill," and negatived.

The bill having been previously read twice, the yeas and nays were then taken on the engrossment of the bill, which stood thus:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Camp, Charlton, Coles, Crabb, Crockett, Evans of B., Evans of A., Evars of P., Flanagan, Hartley, Hardeman of C., Hooker, Jowers, Lawson, Lott, Mabry, Neighbors, Patrick, Randolph, Reid, Rowe, Runnels, Sims, Stapp, Taylor of H., Throckmorton, Titus, Turner and White—32.

NAYS—Messrs. Bee, Bryan of C., Cannon, Daggett, Doom, Dunlap, Edwards, Hamilton, A. J. Hood, Hord, Johnson, Neal, Palmer, Pollock, Rains, Rossy, Scott, Tankersly, Tarver, Taylor of F., Westmoreland and Wren—22.

So the bill was ordered to be engrossed.

On motion of Mr. Scott, the House adjourned until half-past 9 o'clock A. M., to-morrow.

AUSTIN, January 22, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bee, Bryan of C., Crockett, Evans of B., Evans of A., Fields, Howard, Johnson, Maverick, McDade, Neal, Rnssell and Turner.

Journal of yesterday read and adopted.

PETITIONS.

Mr. Jowers presented the petition of Samuel G. Wells, praying relief; referred to the committee on Finance.

Mr. Randolph presented the petition of Margaret Clark, praying relief; referred to the committee on Private Land Claims, No. 2.

REPORTS OF COMMITTEES.

COMMITTEE ROOM, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on the Judiciary, to whom was referred the petition of the Judge and members of the third judicial dis-

triet, praying for a new judicial district, together with a bill to create the 13th judicial district, have considered the same, and have instructed me to report the accompanying substitute and recommend its adoption.

The increase of business and population in that district demand that some relief should be extended. The distance to be travelled by the Judge of that district is evidently too great, and the time for holding court would have to be unreasonably protracted to ensure promptness and certainty in the dispatch of the public business.

At the close of this session, the third district, if not curtailed, will consist of thirteen counties. In one of those counties, (Washington) although the district court remains in session three weeks, at its last term not a case on the appearance docket was tried. This operates almost as a denial of justice to suitors in that court. To obviate these objections and hardships, the committee earnestly recommend the passage of the substitute herewith reported.

All of which is respectfully submitted.

B. E. TARVER, Chairman.

Report received to come up in its order.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee on Education, to whom was referred a bill to be entitled an act to establish a system of Common Schools, have examined the same, and a majority of the committee have instructed me to report the same back to the House and recommend its passage, with the following amendment: Strike out the "second section."

All of which is respectfully submitted.

WM. E. EDWARDS, Chairman.

Report and bill received to come up in their order.

A majority of the committee on Internal Improvements made the following report:

[See end of Journals.]

Mr. Taylor of Harrison gave notice to the House that the minority of the committee on Internal Improvements would submit a counter report at an early day.

On motion, Messrs. Lawson and Hardeman of Caldwell were excused from attendance on the House on account of indisposition.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Internal Improvements, to whom was referred the memorial of William C. Lacy and others, praying for a charter for the construction of a railroad from Galveston via Houston to Henderson in Rusk county, have had the same under consideration, and instructed the undersigned to report the accompanying bill and recommend its passage.

All of which is respectfully submitted.

GEO. M. REID, One of the committee.

Report received to come up in its order.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Internal Improvements, to whom was referred a bill to amend an act to incorporate the Henderson and Burkville railroad company, having very carefully examined the same, instruct me to return the same to the House and recommend its passage.

JOSEPH TAYLOR, Chairman.

Report received to come up in its order.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Private Land Claims, No. 1, to whom was referred the petition of Carlos or Charles Dorr, accompanied by a bill, praying relief, after examining the same, beg leave to report it back to the House without amendment, and recommend its passage.

R. H. LANE, Chairman, pro tem.

Report and bill received to come up in their order.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Private Land Claims, No. 1, to whom was referred the petition of the heirs of Samuel P. Williams, praying relief, after examining the same, recommend its passage.

R. H. LANE, Chairman.

Report received to come up in its order.

COMMITTEE Room, January 22, 1852.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Private Land Claims, No. 1, to whom was referred the petition of E. Linn, praying relief, after examining the same, report it back to the House, and do not recommend the relief on the subject of said petitioners' prayer.

R. H. LANE, Chairman.

Report received to come up in its order.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Private Land Claims, No. 1, to whom was referred the petition of Abel Morgan, after examining the same, report it back to the House, and do not recommend the grant of relief as prayed for in said petition.

R. H. LANE, Chairman.

Report received to come up in its order.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The committee on Engrossed Bills, having examined a bill to apportion the Senators and Representatives of the Legislature among the several counties of this State according to the requirements of the constitution, find it to be correctly engrossed. Respectfully submitted.

B. B. CANNON, One of the committee.

Report accepted.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

The Judiciary committee, to whom was referred the petition of the heirs of Stephen Prather, deceased, have had the same under consideration, and have instructed me to report the accompanying bill and recommend its passage.

A. J. HAMILTON, One of the committee.

Report and bill received to come up in their order.

COMMITTEE Room, January 22, 1853.

To the Hon. D. C. DICKSON,

Speaker of the House of Representatives:

Your committee, to whom was referred the memorial of sundry citizens of San Patricio county, praying to have the town

of San Patricio incorporated, have instructed me to report the accompanying bill and recommend its passage.

All of which is respectfully submitted.

J. M. CROCKETT, Chairman.

Report and bill received to come up in their order.

BILLS AND RESOLUTIONS.

Mr. Randolph introduced a bill for the benefit of T. G. Box; read first time.

Mr. Scott introduced a bill to provide for the erection of a building for a Treasurer and Comptroller's office for the State of Texas; read first time.

Mr. Scott moved to suspend the rule regulating the general order of business, in order that the bill might be placed upon its second reading; lost.

Mr. Taylor of Fannin introduced a bill for the relief of Robert English; read first time.

Mr. Patrick introduced a bill for the relief of Andrew McMahan; read first time.

Mr. Hamilton introduced a bill to change the boundary line between the counties of Travis and Williamson; read first time.

On motion, the House proceeded to dispose of the business on the Speaker's table, and to the

ORDERS OF THE DAY.

A communication from his Excellency, the Governor, was read as follows:

EXECUTIVE DEPARTMENT, STATE OF TEXAS, }
AUSTIN, January 26, 1853. }

To the Honorable the Senate,

and House of Representatives:

GENTLEMEN: The importance of the recommendation contained in the accompanying communication, jointly made by the Comptroller, Treasurer and Auditor, induce me to draw the particular attention of your Honorable body to the subject, and to solicit favorable consideration for it. The large amount of funds in paper and specie now in the Treasury, as well as the body of valuable documents belonging to the respective offices controlled by these gentlemen, render it imperatively necessary that some more secure and suitable provision should be made for their deposit and safe keeping, and that a fire-proof building be erected for that purpose.

I would also suggest the propriety of including the Adjutant General's office in any structure that your Honorable body may

deem proper to authorize to meet the exigency, as the public convenience and the security of a large mass of valuable paper therein contained, would be thereby subserved.

The construction placed by the Comptroller upon the act of the Legislature of September 3rd, 1850, authorizing the sale of certain Government lots in this city, renders it necessary that some further action should be taken thereon by your Honorable body, to enable him to proceed in the sale of the large number yet remaining unsold. I would, therefore, recommend that your Honorable body, by such an enactment as may be deemed proper, clothe that officer with the required authority to enable him to sell the remainder.

P. H. BELL.

AUSTIN, January 19, 1853.

To His Excellency, P. H. BELL,
Governor of the State.

SIR: As executive officers, having charge of the financial affairs of the State, and of all the important and valuable documents, records and money connected therewith, we feel a responsible duty resting upon us in calling your Excellency's attention, and (if it please) through you, that of the Honorable Legislature, to the condition and insecurity of the building now occupied by this Department of the Government, and the urgent necessity of provision being made for a more secure and commodious building, adapted to the business of the offices over which we have the honor at present to preside.

Your Excellency is doubtless aware that the building we now occupy is of wood, built many years since for temporary occupation as a Treasury building; that it is of the most inflammable materials, constantly exposed and in danger of fire, both from within and without; as the depository of the large amount of money now in the Treasury, insecure from the daring and scientific thief and burglar, and badly constructed, and not sufficiently capacious for the convenient and expeditious transaction of the business of our offices.

We feel assured that the interests of the State, as well as that of the citizens thereof, demand that a building should be provided as soon as possible, that will give that security to the records, documents and money of these offices, that their value and importance should command.

In the event of the necessity of a building being acknowledged, a sale of a portion of the lots of the city of Austin, still be-

longing to the State, might be made sufficient to cover the expenses of such a building as is required.

We are, very respectfully,

Your Excellency's ob't servt's,

JAMES B SHAW, Comptroller,

JAMES H. RAYMOND, Treasurer,

JNO. M. SWISHER, Auditor.

After which, on motion, the communication was referred to the committee on Public Buildings.

On motion of Mr. Scott, one hundred copies of the bill to appropriate, set apart and invest two millions of dollars as a special school fund, reported by the committee on Internal Improvements, was ordered to be printed.

A bill reinstating Joseph F. Smith as an attorney and counsellor at law; read third time and passed.

A bill supplementary to an act entitled an act to restore lands sold for taxes and purchased by the State to the former owners, approved January 28, 1852; read third time and passed.

A bill to authorize the District Clerk of Houston county to transcribe certain records; read third time and passed.

A bill to apportion the Senators and Representatives of the Legislature among the several counties of this State, according to the requirements of the constitution; read third time;

When Mr. Hord proposed the following amendment:

Strike out "Star" in 31st line, second section, and insert "Nueces."

Mr. Hartley offered the following as a substitute for Mr. Hord's amendment, which was accepted by Mr. Hord:

"Strike out Starr as the returning county from the 29th Senatorial district, and insert Nueces;" amendment adopted.

Mr. Rossy then proposed the following amendment:

"Strike out the 64th district entirely, and insert Guadalupe in the 73rd district, giving this district two representatives; and insert in the 72nd district, Guadalupe;" which, on motion of Mr. Neighbors, was laid upon the table.

There being no further amendments proposed, the question was put, "will the House pass the bill as amended," when Mr. Andrews moved a call of the House; lost.

Mr. Patrick moved to raise a committee to wait upon and receive the votes of absent members.

Mr. Tankersley moved to lay that motion upon the table; carried.

The yeas and nays were then taken upon the final passage of the bill, and stood as follows:

YEAS—Messrs. Speaker, Andrews, Bryan of B., Camp, Charlton, Coles, Crabb, Crockett, Daggett, Evans of B., Evans of A., Evans of P., Flanagan, Hartley, Hooker, Jowers, Lane, Lott, Mabry, Neighbors, Patrick, Randolph, Reid, Rowe, Runnels, Sims, Speights, Stapp, Taylor of H., Throckmorton, Turner and White—32.

NAYS—Messrs. Bee, Bryan of C., Browder, Cannon, Doom, Dunlap, Edwards, Hamilton, Hardeman of N., A. J. Hood, Hord, Johnson, McDade, McFarland, Neal, Palmer, Pollock, Rains, Rossy, Scott, Tankersley, Tarver, Taylor of F., Thomson, Westmoreland and Wren—26.

So the bill passed.

A message was received from the Senate, informing the House that the Senate had passed a bill to amend an act to incorporate the Buffalo Bayou, Brazos and Colorado railroad company.

A bill to limit the Boards of Land Commissioners, and more clearly to define their duties; read second time.

When Mr. Taylor of Fannin proposed the following amendment:

Strike out so much of the second section as allows the application to be made out of the county in which the conditional was issued; rejected, and bill ordered to be engrossed.

A bill making an appropriation to defray the expenses of the volunteers called into the service of the State for the protection of the frontier, with the report of the committee on Military Affairs, recommending its passage; reading of the report dispensed with; bill read second time;

When Mr. Flanagan proposed the following amendment:

“And that all others who have fought in the battles of the late Republic of Texas, who have not been provided for.”

After some discussion thereon, Mr. Flanagan moved to recommit the bill with the amendment, to the committee on Public Debt.

Mr. Scott moved to lay that motion upon the table, upon which motion the yeas and nays were taken and stood as follows:

YEAS—Messrs. Andrews, Bee, Bryan of B., Bryan of C., Browder, Camp, Cannon, Crabb, Crockett, Doom, Dunlap, Evans of B., Evans of A., Evans of P., Hamilton, Hartley, Hord, Johnson, Lane, Lott, McFarland, Neighbors, Palmer, Patrick, Reid, Rossy, Scott, Speights, Stapp, Tankersley, Tarver, Taylor of F., Taylor of H., Throckmorton, Turner, Westmoreland and White—37.

NAYS—Messrs. Charlton, Daggett, Flanagan, Hardeman of

N., A. J. Hood, Hooker, Jowers, Mabry, Neal, Pollock, Rains, Randolph, Rowe, Runnels, Sims, Thomson, Titus and Wren—18.

So the motion prevailed.

A motion was made to adjourn until 10 o'clock, A. M. Monday, and lost.

Mr. Scott then moved to lay Mr. Flanagan's amendment upon the table;

When a further motion was made to amend Mr. Scott's amendment by adding "and bill."

Upon which motions a division was called for and ordered.

The yeas and nays were then taken upon Mr. Scott's motion, that being first in order, and stood as follows:

YEAS—Messrs. Andrews, Bee, Bryan of B., Bryan of C., Browder, Camp, Cannon, Crabb, Doom, Dunlap, Edwards, Evans of B., Evans of A., Evans of P., Hamilton, Hartley, Hord, Johnson, Lane, Mabry, McDade, McFarland, Neighbors, Palmer, Patrick, Reid, Rossy, Scott, Speights, Stapp, Tankersley, Tarver, Taylor of F., Taylor of H., Thomson, Throckmorton, Turner, Westmoreland and White—39.

NAYS—Messrs. Charlton, Daggett, Flanagan, Hardeman of N., A. J. Hood, Hooker, Jowers, Neal, Pollock, Rains, Randolph, Rowe, Runnels, Sims, Titus and Wren—16.

So the motion prevailed.

Mr. Johnson then moved to amend the motion to lay the bill upon the table, by adding "until 11 o'clock, A. M. on Monday next, and that it be made the special order for that hour."

Upon which the yeas and nays were taken and stood thus:

YEAS—Messrs. Cannon, Charlton, Crabb, Crockett, Daggett, Flanagan, Hardeman of N., A. J. Hood, Hooker, Johnson, Jowers, Patrick, Pollock, Rains, Randolph, Rowe, Runnels, Sims, Taylor of F., Titus, Westmoreland, White and Wren—23.

NAYS—Messrs. Andrews, Bee, Bryan of B., Bryan of C., Browder, Camp, Doom, Dunlap, Evans of B., Evans of A., Evans of P., Hamilton, Hartley, Hord, Lane, McDade, McFarland, Neal, Neighbors, Palmer, Reid, Rossy, Speights, Stapp, Tankersley, Tarver, Taylor of H., Thomson, Throckmorton and Turner—32.

So the motion was lost.

Mr. Flanagan moved that the House adjourn until half-past 9 o'clock, A. M., Monday; lost.

Mr. Charlton moved that the House adjourn until 10 o'clock, A. M., Monday; which motion was lost by a vote of 21 yeas, 34 nays.

Mr. Daggett moved the House adjourn until 3 o'clock, P. M.; lost.

On motion of Mr. A. J. Hood, a call of the House was ordered and made, and the Sergeant at Arms dispatched for the absent members.

During his absence, several motions were made to suspend the call, and lost.

After some time, on motion of Mr. Scott, the call was suspended.

On further motion of Mr. Scott, the bill under consideration was postponed, and made the special order of the day for 11 o'clock, A. M., on Monday next.

On motion, the House then adjourned until 10 o'clock, A. M., Monday.

MONDAY, January 24, 1853.

House met pursuant to adjournment—roll called—quorum present.

Absentees—Messrs. Bryan of C., Browder, Coles, Hardeman of C., Howard, Johnson, Lott, Mabry, Russell, Stapp, Stewart, Tarrant, Thomson, Titus and Wilson.

Journal of Saturday read and adopted.

On motion, Messrs. Titus and Lott were excused from attendance on the House on account of indisposition.

PETITIONS.

Mr. Rossy presented the petition of sundry citizens of Fisher and Miller's colony, praying relief; referred to the committee on Private Land Claims.

Mr. Bee presented the petition of Wm. H. Jones, praying relief; referred to the committee on the Land Office.

Mr. Bee presented the petition of James Hamilton, praying relief; referred to the committee on Public Debt.

Mr. Crockett presented the petition of sundry citizens of Dallas county, praying the incorporation of the town of Dallas; referred to the committee on Privileges and Elections.

Mr. Crockett presented the petition of sundry citizens of Dallas county, praying privilege to levy a special tax.

Mr. Neighbors presented the petition of Thomas W. Grayson, praying relief; referred to the committee on Public Debt.

Mr. Bryan of Brazoria presented the petition of Peter Mc-